

THE MARTHA'S VINEYARD COMMISSION

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DATE: May 16, 1996
 TO: Building Inspector, Town of Edgartown
 FROM: Martha's Vineyard Commission
 SUBJECT: Development of Regional Impact
 Re: Commercial development
 APPLICANT: Daniel Whiting
 Heathland Realty Trust
 PO Box 17
 Vineyard Haven, MA 02568

DECISION OF THE MARTHA'S VINEYARD COMMISSION
SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the granting of permits for the development contained in the Application of Daniel Whiting, Heathland Realty Trust, PO Box 17, Vineyard Haven, MA 02568 for the construction of a commercial development at the Martha's Vineyard Airport Business park as shown on the plans entitled: "Proposed Buildings, North Line Road, Edgartown, Ma for Heathland Realty Trust, Elevations, Scheme B, ConServ. Group Inc., 110 State Rd, PO Box 278, Sagamore Beach, Ma. 02562, dated January 16, 1996, scale: 1" = 20', Sheet L.1.0, consisting of one (1) sheet; plus "Proposed Buildings, North Line Road, Edgartown, Ma, for Heathland Realty Trust, Site Plan of Land, Scheme C, ConServ. Group Inc., 95 State Road, PO Box 278, Sagamore Beach, Ma. 02562, dated January 31, 1996, scale: 1" = 20', revised March 26, 1996, Sheet L.1.0", consisting of one (1) sheet; plus "Heathland Realty Trust, Martha's Vineyard Airport Business Park, Floor Plan and Elevations, Foundation Plan and Sections, General Building Design, dated January 20, 1995, revised January 27, 1995, revised February 10, 1995, scale: 1/8" = 1'; Drawing A-1", consisting of one (1) sheet, and totalling three (3) sheets (the Plan).

This Decision is rendered pursuant to the vote of the Commission on: May 16, 1996.

The Building Inspector of the Town of Edgartown may now grant the necessary development permits for the Applicant's proposal in accordance with the conditions contained herein or may approve in accordance with

the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact, Section 3.301. The Application was referred to the Commission by the Building Inspector of the Town of Edgartown for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act). The Application and notice of public hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff document exhibits are also incorporated into the record by reference.

A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 31A, Section 2 as modified by Chapter 831, on Thursday, April 18, 1996, at 7:30 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA. The hearing was closed the same night.

The proposal is for the construction of a commercial development at the Martha's Vineyard Airport Business Park.

A summary of the testimony provided at the hearing is provided as Exhibit A attached hereto. The hearing summary is for the convenience of the reader and was not relied upon by the Commission in reaching its decision on this matter.

FINDINGS AND CONDITIONS

The Commission has considered the Application and the information presented at the public hearing and based upon such considerations, makes the following findings pursuant to Section 14 of the Act.

- A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT, AS CONDITIONED, WILL EXCEED THE PROBABLE DETRIMENTS AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 15 OF THE ACT (SECTION 14(A) OF THE ACT).**

The purpose of the Commission, as set forth in Section 1 of the Act, is to "protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique, natural, historical, ecological, scientific and cultural values of Martha's Vineyard which contribute to public enjoyment, inspiration and scientific study".

The Commission has listened to all of the testimony presented and has reviewed all documents and correspondence submitted during the hearings and review period and;

1. Based upon the record and the testimony presented therein, and in considering whether the development at the proposed location is or is not essential, the Commission sets the following condition:
 - a. That the Commission accepts the Applicant's offer to return to the Land Use Planning Committee for approval of the use of Building #3 when a tenant or tenants are secured.
 2. Based upon the record and the testimony presented therein, and in addressing the affect upon the provision of needed low and moderate income housing, the Commission sets the following condition (Section 15(d) of the Act):
 - a. That the Applicant shall, in accordance with the MVC Affordable Housing Policy, provide the sum of \$4,024.80 to the Dukes County Regional Housing Authority. Said payment to be made in four equal installments over the course of two years; payment #1 to be made upon the issuance of a building permit by the Town of Edgartown.
 3. Based upon the record and the testimony presented therein and in addressing whether the proposed development will contravene land development objectives and policies of regional or state agencies, the Commission sets the following condition (Section 15(h) of the Act):
 - a. That the Applicant shall abide by the Business Park Regulations as adopted by the Martha's Vineyard Airport Commission.
 - b. that the Regulations shall be enforced only in so far as they are consistent with M.G.L. Chapter 30B;
 - c. that the preliminary plan submitted by potential lessees shall also be submitted to the Building Official, Planning Board, Board of Health, and Conservation Commission of the Town of Edgartown, and that said Plan should include estimates of water usage and possible noise or noxious gas emissions. Also that the Edgartown Zoning and Building Inspector be given authority by the M.V. Airport Commission to enforce these Regulations.
- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WILL NOT SUBSTANTIALLY OR UNREASONABLE INTERFERE WITH THE ACHIEVEMENT OF THE OBJECTIVES OF THE GENERAL PLAN OF ANY MUNICIPALITY OF THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY.**
- C. THE COMMISSION FINDS THE DEVELOPMENT PROPOSAL TO BE GENERALLY CONSISTENT WITH THE DEVELOPMENT ORDINANCES AND BY-LAWS OF THE TOWN OF EDGARTOWN.**
- D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN ANY DISTRICT OF CRITICAL PLANNING CONCERN AND THEREFORE THIS ISSUE IS NOT PERTINENT TO THE PROPOSAL.**

The Applicant must, consistent with this Decision, apply to appropriate Town of Edgartown Officers and Boards for any other development permits which may be required by law.

This Decision is written consistent with the vote of the Commission: May 16, 1996

Any Applicant aggrieved by a Decision of the Staff or Committee hereunder, may appeal to the full Martha's Vineyard Commission which shall decide such Appeal, after notice and hearing, within 21 days of the close of the public hearing.

The Executive Director may issue Certificates of Compliance which shall be conclusive evidence of the satisfaction of the conditions recited herein.

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Town Clerk in the Town in which the proposed development is located.

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction and should substantial construction not occur during said two (2) year period, then this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

Thomas M. Sullivan
Thomas Sullivan, Chairman

5/20/96
Date

Thomas R.G. Simmons
Notary

5/20/96
Date

Thomas R.G. Simmons
Notary Public
My Commission Expires August 11, 2000



EXHIBIT A

SUMMARY OF HEARING TRANSCRIPTS

MARTHA'S VINEYARD COMMISSION
MINUTES OF MEETING APRIL 18, 1996

The Martha's Vineyard Commission held a Public Hearing on Thursday, April 18, 1996 at 7:30 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the following Development of Regional Impact (DRI):

Applicant: Heathland Realty Trust
Daniel Whiting
PO Box 17
Vineyard Haven, MA 02568

Location: Lot 31A North Line Road
M.V. Airport Business Park
Edgartown, MA

Proposal: Construction of two steel buildings for lease to commercial operations.

Michael Colaneri, Land Use Planning Committee, read the public hearing notice and called the hearing to order at 7:42 p.m. Ms. Sibley and Ms. Talbot abstained and left the room.

Mr. Whiting noted that the true square footage should read 5400 square feet. Mr. Colaneri noted the correction for the record.

Daniel Whiting, applicant, explained the proposal. He noted that Building #2 would have a known tenant (FedEx) with side and rear parking only, planted berm in front, rest are not confirmed tenants. He stated he would appear before and work with LUPC before signing any tenants.

Mr. Whiting explained the changes that had occurred in the site plan.

He noted that he would clear the land for Building #3 but had no plans as yet.

Ms. Greene questioned where parking would be located. Mr. Whiting noted to the rear, all trucks would be parked inside for night loading.

Mr. Briggs questioned whether there would be truck repair on-site. Mr. Whiting noted only light repair/maintenance but no oil change.

Mr. Colaneri questioned the use of the rest of the building. Mr. Whiting noted there were no firm plans as yet.

Mr. Sullivan questioned whether there was a second floor. There was none.

Mr. Colaneri questioned traffic flow. Mr. Whiting noted that there was only a single entrance-exit. A discussion of this situation followed.

A discussion of where semi trucks and others would enter-exit and the storage of vehicles for the winter followed.

A further discussion of future tenants followed.

Mr. Whiting explained what the uses of the first building were.

Ms. Greene raised a question on affordable housing. Mr. Whiting indicated that he was awaiting advice from the Commission. He noted that it was a continuation of what had been started previously.

Mr. Colaneri then called for a staff report. Thomas Simmons, MVC staff, noted that the affordable housing figure had been calculated and was in the staff notes.

Mr. Colaneri then called for testimony from town boards - there was none.

Mr. Colaneri then called for testimony from the public, either for or against - there was none.

Mr. Colaneri then asked to applicant if he had any final words - he had none.

There being no further testimony, the hearing was closed at 8:00 p.m.

Edgartown, Mass. May 20 1996
at 3 o'clock and 16 minutes P M
received and entered with Dukes County Deeds
book 677 page 558

Attest: Deanne E. Powers Register

RECORDED
INDEXED
MAY 20 1996
DUKES COUNTY